

**April 11, 2017**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11<sup>th</sup> day of April, 2017, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	Kenneth (Brad) Merrifield
Fifth District	Fran Warner
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Finance Director	Eileen Layman
Police Chief	Steve Shine
Fire Chief	Edward Simmons
City Engineer	John Carson

**IN RE:        OPENING CEREMONIES**

Rev. Micah Blanks of Highland Avenue United Methodist Church gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Warner.

**APPROVAL OF MINUTES**

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 28, 2017.

Councilmember Mason moved to approve the minutes as submitted. The motion was seconded by Councilmember Warner.

The Mayor declared the minutes approved as submitted by voice vote of Council.

### PUBLIC HEARINGS

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE GRANTING OF A QUITCLAIM EASEMENT TO PROVIDE FOR A CERTAIN TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT EASEMENT OVER AND ALONG A CERTAIN PORTION OF THE RIGHT OF WAY OF GREENBRIER ROAD IN THE CITY OF FAIRMONT, FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, TO PROVIDE FOR THE INSTALLATION, RECONSTRUCTION, REPAIR AND MAINTENANCE OF WALL ANCHORS RELATING TO A STRUCTURE ON PARCEL 24, OF MARION COUNTY TAX MAP 03-24, OWNED BY RICHARD HILL AND ROBIN HILL, BEING 1233 HILLCREST ROAD; RESERVING UTILITY RIGHTS**

Pursuant to a notice duly published in the Times-West Virginian on April 3, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance granting a quitclaim easement along a portion of the right of way on Greenbrier Road.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

**RICHARD HILL**, property owner, spoke in favor of the proposed ordinance. He said the easement is directly adjacent to his apartment building that fronts on Greenbrier Road. It has been there since 1925 and added onto in the 1960's. He said the wall in the basement is starting to lean and he wanted to have Baker's Waterproofing come in and put some anchors in to keep it from moving any further. He added that the City of Fairmont would incur no monetary costs, no liability, and the road would be replaced everything in concrete and it will be better than as it is now. Mr. Hill said that he just wants to sure up the foundation to make sure it doesn't lean any further than what it is now.

**JOHN CARSON**, Senior Engineer for the City of Fairmont, spoke against the proposed easement. He said that they have a 10 inch water main on Greenbrier Road that run downs the opposite side of the road as their structure and this line comes from the Allegheny Tanks, which are two one million gallon tanks. He said the City's concern is that they have not seen any information on how close they are going to be to this main water line and if anything would happen that this water main would become ruptured,

it could cause significant damage to homes down the street and could catastrophically affect the water system.

The Mayor asked Mr. Hill if he had anything to show that they were not going to interfere with that water line.

Mr. Hill said that he presented Council with a packet of information and in that information there was a drawing and a photograph of the furthest point where the anchors will reach and they won't be any closer than five or six feet toward that water line. Bakers said that they did not see any problem with it. He then said that if it was close, within a foot or something like that, he would be worried but being five or six feet, that is a lot of road.

The Mayor said that the City wants more assurances from an engineer or from someone other than Bakers that they are not going to cause the earth to move in a manner that would damage that line because that is a pretty high powered line.

Mr. Hill then asked what credentials the City would need.

The Mayor suggested that after the meeting for him to talk to Mr. Carson, the City Engineer or Mr. Sansalone, City Attorney and find out what is needed.

Mr. Gomez said that we need a certified plans or drawings from an engineering firm and a survey.

**KEVIN SANSALONE**, City Attorney, said that there are documents that are attached to the ordinance that were provided to Mr. and Mrs. Hill. He said that on March 29, it was explained to them at that time that the contractor and the surveyor should come to the meeting to explain to Council what the circumstances are at 1233 Hillcrest Road. He said that given the nature of the water line and the close proximity of the anchor bolts to the water line, he wanted to have the City Engineer and Utility Manager to have the opportunity to review the material before Council makes a commitment granting the easement. He added that there is also a hold harmless document in the materials that they are obligated to sign which requires them to provide insurance to the City in case there was an event and he has not seen that information either. He said, not speaking for or against, it would be his position that at least following the public hearing, when it comes time for Council action on this particular item to table the issue until the next meeting so that Mr. Carson and Mr. Sago has the opportunity to review the information and to review the survey plat to make sure that there

is no potential for interference with the 10 inch line. He said that personally he did not know if five or six feet is close but given the pressure off the 10 inch line, it seems to him that would not be that far away.

Councilmember Mason asked if that would be acceptable to Mr. and Mrs. Hill.

Mr. Hill said absolutely. He said that he has no problem with that and maybe he can have the contractor and the engineer at the next Council meeting and have everything together for them.

There being no one to speak, the public hearing was called to a close at 7:14 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING *ARTICLE 3.0 ZONING DISTRICTS*, AND MORE PARTICULARLY *SECTION 3.1.10 TECHNOLOGY DISTRICT*, OF THE PROVISIONS OF *CLEARZONING@*, THE CITY'S CODIFIED PLANNING AND ZONING CODE, TO PROVIDE FOR CHURCHES AS A USE PERMITTED WITH CONDITIONS IN SAID DISTRICT; SAVINGS CLAUSE**

Pursuant to a notice duly published in the Times-West Virginian on April 3, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for churches as a use permitted with conditions in the Technology District.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

**JAY ROGERS**, Omni Associates Architects, stated that he represents Life United Methodist Church about their desire to relocate their church. He said after the 4<sup>th</sup> Street Church was demolished, there was a merger and a combination of some of the Methodist churches here in town. He noted that they have been worshipping on Mary Lou Retton and started to cause some problems because there are 500 members attending that church and starting to have some public safety concerns with traffic situations so they began to look at new accommodations. He said they ended up coming back to Omni with the idea of locating at 3000 Technology Drive, which is the former Lockheed Martin Building in the High Tech Park and has been vacant for some time. Mr. Rogers said that he met with the Planning Commission in December and had a discussion about the best avenue or the way to proceed with this because under the current zoning code in the Technology District, churches are excluded. He said they settled on a Tech amendment to look at churches becoming permitted with conditions. He said the

provisions already exists within Clearzoning for conditions on churches when they go into a district so we thought that might be an avenue to pursue. The Planning Commission approved the request in January, 2017. He went on to say, at that time, there was a conflict with the restricted covenants and existed at the I-79 Technology Park and the Zoning Code so we needed to clear those things up. After amending their restricted covenants to allow churches as a use permitted with conditions, this would allow the church to be located at the Technology Park.

There being no one to speak, the public hearing was called to a close at 7:18 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: UNITED WAY EMPTY BOWL EVENT**

Councilmember Moran stated that she attended the United Way Empty Bowl event on Sunday and it was a wonderful event. She said the amount of volunteers that came out for that event was amazing and the event was very well attended. She encouraged everyone to attend the event next year.

Councilmember Straight also stated that he attended the United Way Empty Bowl fundraiser. He mentioned there was a good turnout and it helped the United Way to make some money.

#### **IN RE: DINNER TO RECOGNIZE VOLUNTEERS**

Councilmember Yann stated that he attended a dinner to recognize volunteers from the community.

#### **IN RE: CODE ENFORCEMENT ISSUES**

Councilmember Grubb reported a code enforcement issue on 4<sup>th</sup> with mattresses and other items beside the dumpster.

Councilmember Grubb also reported that people are blowing grass out into the streets. She noted this could be a safety hazard.

Councilmember Grubb the mentioned 4-wheelers driving on city streets.

#### **IN RE: NEWSPAPERS BEING DISTRIBUTED**

Councilmember Mason stated the newspapers that are randomly distributed around town continues to be a problem. He said the newspaper has to find some way of not just distributing in a random fashion and in a fashion that really becomes litter. He suggested having a discussion on a citation for littering or perhaps they could be convinced to mail their newspapers like other newspapers do.

**IN RE: CITIZENS COMMENDED**

Councilmember Mason said he read in the newspaper that citizens gave a heads up to the Police Department on some activity in an empty parking lot and a phone call from a citizen resulted in an arrest. He said that the Police cannot be everywhere all of the time and assistance from the citizens is appreciated and he expressed his appreciation to the citizen that did that.

**IN RE: COVERAGE OF MEETINGS**

Councilmember Mason noted that the changes that have been made with the Times-West Virginian regarding the coverage of our meetings have caused him to subscribe to the paper. He said that the article that is written as a prelude to our meeting has really assisted in getting people informed and getting people to attend the Council meetings.

**IN RE: PROPOSED CLOSING OF BENONI AVENUE**

Councilmember Mason said that he has received several calls and comments concerning the proposal to close Benoni Avenue. He said the comments and calls are that it is not a good idea.

**CITIZENS PETITIONS**

**IN RE: EXTERIOR WALL AT OIC TRAINING CENTER**

KRISTIN RIFE, Executive Director, addressed Council seeking guidance as to what to do with the side of their building. She said the City tore down the adjacent building and left an unsightly wall on the side of their building. She said the wall is starting to affect their building and she did not know where to turn next.

Councilmember Merrifield suggested contacting the Fairmont State University Arts Department and maybe they could suggest something.

The City Manager said that we are looking at the wall at Palatine Park to be

pressure washed and then we are in discussion with MCPARC and with FSU as well to put some sort of mural on that wall and he will mention the OIC wall to them to get what we can cooperatively get done.

Ms. Rife said they received an estimate on the wall and it was about \$18,000 for the foam to be sprayed in between the brick and then painted.

Councilmember Moran asked former City Manager Jay Rogers, who was in attendance, if he had something to say.

Mr. Rogers said that Omni would be happy to offer to help with something and be happy to do it for downtown.

**IN RE: POLICE PENSION FUND**

**SGT. DAVID MCGLONE**, addressed Council regarding the proposed resolution on the agenda closing out of the current Police Pension Fund for new hires. Sgt. McGlone said the first he heard of this was last Thursday. He noted that he is President of the FOP Lodge 69 and represents all active policer officers and retired members. He said that he was shocked because he had no idea what was going on. He said that he researched and looked at the new plan compared to what they are under now and under this new system, with 20 years of service, you are at 52% rather than 60% at the current plan. He said that an 8% decrease may not seem like a lot, until you are older and retired and on a fixed income. He said this new plan has no COLA (cost of living adjustment) and allows police officers to transfer their pension between agencies as long as the agency is participating. He noted this was not a good thing for the City of Fairmont. Sgt. McGlone went on to say that we have a hard time now retaining police offices let alone give them an opportunity to leave with their pension. He said that the biggest question is that a lot of the active officers are worried because they don't know what is going to happen. He said that it is his understanding no one has talked to the FOP or the Pension Board about this. He said the Pension Board members have emailed the City several times for meetings about this but received no response from the City whatsoever. He said that it is his understanding that once their new hires pay into this new pension, there is no one else paying into the old pension plan and as they eventually retire, the amount of officer paying in get less and less. He then asked how the City is going to sustain that old plan for those working now and that is a question that the current retirees have now. He asked what is the plan to fund the pension that they are under because no one has ever talked to them about it. He then said that he does not understand how Council can pass a resolution without knowing anything about it or what it is going to do

to the people that work for the City currently. Sgt. McGlone said that if the new pension plan is for police and fire, then why is the fire not going to it and the police is the only one going it. He did not understand that. He then said that the FOP Lodge does not support the proposed resolution.

Mayor Mainella said Council will be discussing it, he did not know how much they will discuss the old pension plan later on in the meeting, but all of Sgt. McGlone's concerns really aren't really concerns. He said the 1% sales tax that we enacted that was effective July 1<sup>st</sup> will fund the Fire and Police Pensions going forward. He said that Council will discuss this and will make sure that the FOP is well informed about what Council plans on doing.

TYLER HALL, a detective with the City of Fairmont, also addressed the police pension issue. He said that he wanted to address some of the concerns from the Police Pension Board in which he is currently a member. Officer Hall said currently the pension has been improving which is why we questioned why it is being closed. He said year-to-date, as of March 31<sup>st</sup> of this year, the revenue that has been brought in this year is \$1.4 million with expenses of \$942,000, which is a gain of \$534,000. He reported that since 2012, the Pension Fund went from \$3.7 million in assets to \$5.4 million, nearly \$2 million in five years' time. He said this is the first year that the 1% sales tax was added and his understanding is that half goes to the Police Department Fund and half goes to the Fire Department Fund and that has brought in \$202,000 into the Police Fund alone this year. The other part of the contributions has been through employee contributions which has made up \$111,000 of that \$1.4 million that came in. He said currently 37 officers are participating into the retirement fund and of those 37 officers, 20 of them contribute 9.5% of their paycheck before any deductions. He said that 17 of them give 7.5%. Officer Hall added that since 2012 that number of officers that contribute to the 9.5% has went from five officers to 17 officers. He said over time there will be a higher percentage being contributed by their employees as well as the 1%. He went on to say that a major expense that the department had this year for our retirees is officers leaving the department and getting their retirement fund reimbursed to them. He noted that that was \$65,000 this year alone and \$41,000 last year so in a two year period that was \$105,000 that came out of the retirement fund to pay for officers that were leaving the department. He added that many left for different reasons but we are losing officers to surrounding cities and even to other jobs because of the way things are with being a police officer. He said that they are not in it to get rich but one of the benefits they have always gotten is a good retirement and good health insurance and the pension board is concerned about their retirement and that it will be taken care of. He added that they were never contacted about this change and did email

other members of the board, including Mr. Gomez. He noted that an email was sent out on February 24<sup>th</sup> asking for a meeting but no response was given to them. He then stated that some of the problems with why they are here tonight probably could have been addressed if we had been communicated with in the first place. He said the Board would like to know what the plan is since they have not been told. He when asked why they are being moved into a separate pension fund and not the fire department. He said currently when an officer writes a citation through City Court, \$50 of that citation is given to the Police and Fire Pension Fund, it is divided in half. He asked if they have been funding their pension all of these years and it is equal, why are they not being moved as well. He went on to say that the Pension Board believes that this will cause problems with retention after they struggle to keep officers anyway and if they are given a chance to leave and go to other departments that pay more and offer better opportunities, it is going to be easier for them to leave because they don't have to worry about the five or six years they have put in at Fairmont and losing that time because they will take it with them. Officer Hall then pointed out another difference in the pension plans that is important is that the military veterans that do join the department, in the current pension plan they are getting four year of their military service at the end of their pension to boost their percentages. If they work 21 years, they are given four extra years to make 25; however, in the new pension plan they only receive two percent. He closed by saying that keeping the current pension plan will make them more attracted to veterans that are getting out of the military. He said these are points that Council needs to consider and discuss with them so they can work out something for everybody.

Mayor Mainella said that Council will answer their concerns.

**STEVE SHINE**, Chief of Police, also address Council regarding the pensions. He said that two weeks ago he spoke to Council with a compassionate heartfelt explanation of the emotional toll that this job takes on a police officer. He said along with that is an emotional toll that being left in the dark can take on a police officer. He said that he had heard grumblings about moving to a new pension plan as long as four years ago. He said that on February 14<sup>th</sup>, we had a work session where it was mentioned in a PowerPoint presentation that we were being considered to moving to a new pension plan. He then said that in a staff meeting following a Council meeting he asked about this pension plan but he knows nothing about the pension plan other than the fact that the City wants to move the Police Department only to it and what he has read on the internet. He said that "all of the concerns are not really concerns" is kind of a slap in the face because our concerns are with an officer with ten years can jump ship to

another department and take their time with them and leave us without a tenured officer. He added that for the last several decades, we have worked on the pension plan to know that when we put in 20 years, and 20 years is a long time in law enforcement, that we would have a light at the end of the tunnel and that we would be entitled to a 60% pension; that is what we have been working toward. He added that we want younger officers, we want new people to come in. He noted that an 8% cut is huge cut, no COLA is a big change and there is no explanation whether social security is going to be paid into. He said there are a lot of things he doesn't know about and was never discussed with about this pension and it's going to cause recruitment issues as far as 52% versus 60% in 20 years and going to cause retention issues. The Chief said that he understands the City has a need to be fiscally responsible and our pension officers have shown that they are able to be fiscally responsible. He said that he knows the sales tax is a way of trying to add money into that pension to make up the deficit but he thought the current pension board has shown continually that they are improving the pension outside of any other assistance. The Chief went on to say that the new officers are paying 9.5% toward their pension and under the State plan they are only paying 8.5%. He said a year ago those people paying into the State plan were only paying 7.5% with a cap of 10.5% but legislature changed that. He then asked what it is going to be in two, three, or four years, we have no idea. He closed by saying that there are a whole host of unknowns to be answered and he did not see how going to this plan is a good thing. He then mentioned that he knows who is managing their money and the people behind him have our backs and he knows they are going to take care of them. He said going to the new plan is not a good thing for recruitment, retention, morale, and it's going to create a rift between the old officer and the new officers and we have seen that before with insurance and sick leave benefits.

Mayor Mainella said that he did not mean to slap anybody in the face but Officer McGlone's concerns really have been addressed in your pension plan and nothing is going to change. He said that nothing is going to change for the officers so his concerns really, they are concerns, but nothing is going to change with the provisions in your pension plan.

Chief Shine said that he doesn't worry about himself, he worries about the legacy.

Mayor Mainella said we are going to do the right thing.

Mr. Gomez said that nothing will be impacting everyone who is currently employed.

The Chief replied that he knows that.

Mr. Gomez said that he has heard primarily about existing officers and there are no problems, no issues, and no impacts to existing officers.

Councilmember Mason said it was a legitimate point made.

The Mayor said that a meeting will be set up, the officers can come and we will have our people there and we will explain things to you that you have questions about. He noted that was their pledge as Council that we will do that.

### CTY MANAGER'S REPORT

#### **IN RE: STREET SWEEPING**

The City Manager said that the street sweeping did begin this past week. He said that the City of Fairmont has two street sweepers that are normally out sweeping, however, one is being repaired but once it gets repaired, we will have both sweepers out.

#### **IN RE: STREET PAVING**

Mr. Gomez also mentioned that the City is finalizing the street paving list and hoping to begin paving sometime in June. He noted that we are looking to pave close to 12 miles of streets this year.

### CONSIDERATION OF COUNCIL BUSINESS

**IN RE: TABLED, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE GRANTING OF A QUITCLAIM EASEMENT TO PROVIDE FOR A CERTAIN TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT EASEMENT OVER AND ALONG A CERTAIN PORTION OF THE RIGHT OF WAY OF GREENBRIER ROAD IN THE CITY OF FAIRMONT, FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, TO PROVIDE FOR THE INSTALLATION, RECONSTRUCTION, REPAIR AND MAINTENANCE OF WALL ANCHORS RELATING TO A STRUCTURE ON PARCEL 24, OF MARION COUNTY TAX MAP 03-24, OWNED BY RICHARD HILL AND ROBIN HILL, BEING 1233 HILLCREST ROAD; RESERVING UTILITY RIGHTS**

Mayor Mainella entertained a motion to table this item which is an ordinance providing for the granting of a quitclaim easement along a certain portion of

the right of way of Greenbrier Road.

Motion:

Councilmember Mason moved to table this item. Councilmember Straight seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance tabled by unanimous vote of Council.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING *ARTICLE 3.0 ZONING DISTRICTS*, AND MORE PARTICULARLY *SECTION 3.1.10 TECHNOLOGY DISTRICT*, OF THE PROVISIONS OF *CLEARZONING®*, THE CITY'S CODIFIED PLANNING AND ZONING CODE, TO PROVIDE FOR CHURCHES AS A USE PERMITTED WITH CONDITIONS IN SAID DISTRICT; SAVINGS CLAUSE**

Mayor Mainella entertained a motion for the adoption of an ordinance to provide for churches as a use permitted with conditions in the Technology District.

Motion:

Councilmember Linger moved for the adoption of the proposed ordinance. Councilmember Moran seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1728 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1140, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1767 RENTAL DWELLING UNITS, OF THE FAIRMONT CITY CODE, AND PARTICULARLY SECTION 1767.07 FEES AND CONDITIONS THEREOF, TO PROVIDE FOR AN INCREASE IN INSPECTION FEES EFFECTIVE JULY 1, 2017**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for an increase in the inspection fees for rental dwelling units.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Straight seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1695, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE FAIRMONT CITY CODE, AND PARTICULARLY SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES THEREOF, TO PROVIDE FOR THE INCREASE IN PERMIT FEES EFFECTIVE JULY 1, 2017**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for an increase in building permit fees.

Motion:

Councilmember Moran moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Merrifield seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1248, AS AMENDED, WHICH IS CODIFIED AS PART SEVEN BUSINESS AND TAXATION CODE, ARTICLE 755-FIRE PROTECTION SERVICE CHARGES OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 755.02 LEVIED THEREOF, TO PROVIDE FOR AN INCREASE IN THE FIRE PROTECTION SERVICE FEE**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for an increase in the fire protection service fees.

Motion:

Councilmember Merrifield moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Moran seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for May 9, 2017 by voice vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 543, AS AMENDED, WHICH IS CODIFIED AS PART NINE STREETS, UTILITIES AND PUBLIC SERVICE CODE, ARTICLE 919-VACATION PROCEDURE, SECTION 919.02 PROCEDURES FOR ABANDONMENT, OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SUBSECTION (D) FILING FEE AND PUBLIC HEARING REQUIREMENTS THEREOF, TO PROVIDE FOR AN INCREASE IN THE FILING FEE**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for an increase in the filing fee for right of way abandonments.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Merrifield seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING PART ONE ADMINISTRATIVE CODE, CHAPTER SEVEN BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 157 PLANNING COMMISSION OF THE FAIRMONT CITY CODE, TO**

**PROVIDE FOR AND ESTABLISH FILING FEES RELATING TO CERTAIN PROCEEDINGS WHICH ROUTINELY COME BEFORE SAID COMMISSION OR THE BOARD OF ZONING APPEALS**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for an increase in the filing fees relating to certain proceedings which come before the Board of Zoning Appeals.

Motion:

Councilmember Straight moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Warner seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: REMOVE ITEM FROM AGENDA, AN ORDINANCE AMENDING AND SUPPLEMENTING PART ONE ADMINISTRATIVE CODE, CHAPTER SEVEN BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 162 PARKS COMMISSION OF THE FAIRMONT CITY CODE, TO PROVIDE FOR AND ESTABLISH FEES FOR CERTAIN PARK ACTIVITIES**

Mayor Mainella entertained a motion and a second to remove this item from the agenda.

Motion:

Councilmember Straight moved to remove this item from the agenda. Councilmember Yann seconded the motion.

The Clerk called the roll on the motion.

The Mayor declared this item removed from the agenda by unanimous vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING *ARTICLE 6.0 DEVELOPMENT PROCEDURES*, AND MORE PARTICULARLY *SECTION 6.13 FEES*, OF THE PROVISIONS OF**

***CLEARZONING®*, THE CITY'S CODIFIED PLANNING AND ZONING CODE, TO PROVIDE FOR INCREASED SITE PLAN REVIEW FEES**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for increased site plan review fees.

Motion:

Councilmember Moran moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Merrifield seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING *ARTICLE 7.0 SUBDIVISION REGULATIONS*, AND MORE PARTICULARLY *SECTION 7.2 ADMINISTRATION AND ENFORCEMENT, SUBSECTION 7.2.5 FEES*, OF THE PROVISIONS OF *CLEARZONING®*, THE CITY'S CODIFIED PLANNING AND ZONING CODE, TO PROVIDE FOR INCREASED FILING FEES**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for increased subdivision fees.

Motion:

Councilmember Mason moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Warner seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING PART SEVEN BUSINESS AND TAXATION CODE, ARTICLE**

**761 BUSINESS AND OCCUPATION TAX, SECTION 761.05 BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY; EXEMPTIONS, TO PROVIDE CLARIFICATION TO THE DEFINITION OF "SALES AT RETAIL" AND "SALES AT WHOLESALE"**

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to provide for increased subdivision fees.

Motion:

Councilmember Yann moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Moran seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 25, 2017 by voice vote of Council.

**IN RE: REMOVE ITEM FROM AGENDA, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CLOSE THE CITY OF FAIRMONT'S EXISTING POLICE PENSION AND RELIEF FUND TO NEW HIRES, AND ELECTING TO BECOME A PARTICIPATING EMPLOYER OF THE WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE SECTION 8-2A-28, THEREBY PLACING ALL NEWLY HIRED POLICE OFFICERS INTO THE WEST VIRGINIA POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM**

Mayor Mainella entertained a motion to remove this item from the agenda.

Motion:

Councilmember Straight moved to remove this item from the agenda. The motion was seconded by Councilmember Mason.

Roll call was taken by the Clerk

The Mayor declared the resolution remove from tonight's agenda by unanimous vote of Council.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT APPOINTING ANTHONY J. JULIAN, ESQ., MUNICIPAL JUDGE FOR**

**THE CITY OF FAIRMONT FOR A TERM OF FOUR YEARS COMMENCING JULY 1, 2017, AND UNTIL JUNE 30, 2021**

Mayor Mainella entertained a motion for the adoption of a resolution appointing Anthony Julian as Municipal Judge for another four-year term ending June 30, 2021.

Motion:

Councilmember Straight moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Yann.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk

The Mayor declared the resolution adopted by unanimous vote of Council.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT SUPPORTING AMERICA'S PROMISE TO RETIRED COAL MINERS AND WIDOWS**

Mayor Mainella entertained a motion for the adoption of a resolution supporting America's promise to retired coal miners and widows.

Motion:

Councilmember Yann moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Straight.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk

The Mayor declared the resolution adopted by unanimous vote of Council.

**ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Straight.

The Mayor declared the meeting adjourned by voice vote of Council at 8:15 p.m.